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SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2021 FEB -2 AM 9:49

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

KAMI L. WHITMIRE)

Plaintiff,)

No.

21 2 00059 29

v.)

PERDUE FOODS LLC, a Maryland)

Limited liability company, and PERDUE)
F FARMS, INC.)

COMPLAINT FOR DAMAGES

Defendants.)

COMES NOW the Plaintiff, KAMI L. WHITMIRE, by and through his attorney, David A. Nelson, and for a claim against Defendants, alleges as follows:

I. JURISDICTION AND VENUE

1.1 The above Court has jurisdiction over the parties and subject matter herein alleged.

1.2 Venue is proper in Skagit County, Washington, pursuant to Revised Code of Washington (RCW) 4.12.025 (where the accident occurred).

II. PARTIES

2.1 The Plaintiff, KAMI L. WHITMIRE, is resident of Longview, Cowlitz County, Washington.

Complaint for Damages

1

2.2 Defendant, PERDUE FOODS LLC, is a Maryland limited liability company doing business in Skagit County, Washington.

2.3 Defendant, PERDUE FARMS, INC. is a foreign corporation doing business in Skagit County, Washington.

III. FACTS

3.1 On or about January 3, 2019, Plaintiff KAMI L. WHITMIRE was employed by Integrated Mechanical, Inc. as a millwright constructing a platform at the Perdue Foods, LLC/ Perdue Farms, Inc. facility located at 16939 State Route 20, Burlington, Skagit County, Washington.

3.2 During maintenance activities, the Plaintiff was required to walk on the catwalks near the ceiling of the building.

3.3 That at all times relevant to this Complaint, the Plaintiff was a business invitee of Defendants PERDUE FOODS LLC and PERDUE FARMS, INC.

3.4 That there were signs on the cat walk warning the users to look up to avoid an array of pipes, wires and other material hanging from the ceiling.

3.5 The panels of the catwalk were constructed so that the angle of the iron to attach the plates of the catwalk were located under the catwalk.

3.6 On or about January 3, 2019, one plate of the catwalk was either reversed, mis constructed, or mis installed, so that the angle of the plate was on the top side of the catwalk, creating a hazardous edge for those persons who used the catwalk.

3.9 As she was walking on the catwalk on January 3, 2019, and watching above her head as she was warned by the signs, the Plaintiff stepped on the edge of the angle iron that was above the plate, sustaining serious injuries to her left ankle.

1 3.10 The existence of the angle iron creating a ridge on top of the catwalk was a
2 dangerous condition of property that the Defendants failed to remedy prior to the Plaintiff's
3 injury. The condition lasted for such a period of time that the Defendants had actual and/or
4 constructive notice of the condition, or were responsible for creating the condition. The
5 existence of the dangerous condition constituted negligence on behalf of the Defendants.

6 3.11 Additionally, the Defendants were negligent in failing to mark, color or
7 designate the angle iron on top of the walkway as a dangerous condition of the property,
8 thereby providing a warning to the Plaintiff.

9 IV. DAMAGES

10 4.1 The Plaintiff has suffered past, present, and future damages as follows:

11 4.1.1 Non-economic damages in an amount according to proof at the
12 time of trial for, including but not limited to:

- 13 a. Mental, physical, and emotional distress;
14 b. Pain and suffering;
15 c. Loss of the joys and amenities of life;
16 d. Inconvenience;
17 e. Disability; and
18 f. Loss of society and companionship.

19 4.1.2 Economic damages in an amount according to proof at the time of
20 trial for, including but not limited to:

- 21 a. Medical expenses of all kinds;
22 b. Wage loss and/or earning capacity; and
23 c. Mileage expenses associated with medical treatment.

WHEREFORE, the Plaintiff prays for judgment against the Defendants as follows:

1. For the above-stated damages in an amount according to proof at the time of trial;

2. For costs and reasonable attorney fees pursuant to RCW 4.84 et seq.; and

3. For such other and further relief as the Court deems just and equitable.

DATED 2 day of January, 2021.

NELSON LAW FIRM, PLLC

David A. Nelson WSB #19145
Attorney for Plaintiff

Complaint for Damages

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PERDUE FOODS LLC, a Maryland)

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F FARMS, INC.)

No. 21 2 00059 29

SUMMONS
(20 Day)

Defendants.)

TO THE DEFENDANTS: A lawsuit has been started against you in the above entitled court by the above-named Plaintiff. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorneys for the Plaintiffs within 20 days after the service of this summons, excluding the day of service, or within sixty (60) days if this Summons was served outside the State of Washington, or a Default Judgment may be entered against you without notice. A Default Judgment is one where Plaintiff is entitled to what she asks for because you have not responded. If you serve a Notice of Appearance on the undersigned attorneys, you are entitled to notice before a Default Judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the Court. If you do so, the demand must be in writing and must be served upon the Plaintiff. Within 14 days after you serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on you of this Summons and Complaint will be void.

SUMMONS (20 days)

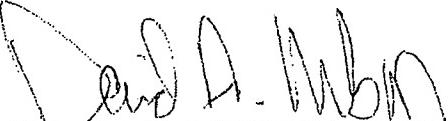
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If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to rule 4 of the Superior Court Rules of the State of Washington.

DATED: 1-27, 2021.



David A. Nelson WSB #19145
Attorney for Plaintiff

FILE RESPONSE WITH:

Skagit County Superior Court
205 W. Kincaid Street, Room 103
Mt. Vernon, WA 98273

SERVE A COPY OF YOUR RESPONSE ON:

David A. Nelson
NELSON LAW FIRM, PLLC
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SUMMONS (20 days)

2

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